

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

October 19, 2016

TO: Enforcement Committee Members

FROM: Adrienne Klein, Chief of Enforcement (415/352-3609 adrienne.klein@bcdc.ca.gov)

SUBJECT: Comment Letters Pertaining to Item No. Five, Scott's Jack London Seafood, Inc. and the Port of Oakland (Proposed Stipulated Cease and Desist Civil Penalty Order No. CCD 2016.03)

Dear Enforcement Committee Members,

Attached are six comment letters pertaining to Item No. Five, the BCDC enforcement matter regarding Scott's Jack London Seafood, Inc. and the Port of, which is scheduled for a public hearing and possible vote at the October 20, 2016 BCDC Enforcement Committee meeting.

The dates of the comment letters range from July 15, 2015 to April 6, 2016. Most of these letters were submitted to staff prior to the initiation of settlement negotiations in September 2015, and concern a previous proposal by Scott's to BCDC staff to establish a trash removal fund for the Alameda-Oakland Estuary, in lieu of paying all or a portion of a potential administrative civil penalty to resolve the violations subject to this proceeding.

At the time the letters were received, staff determined that it would be appropriate to send them to the Enforcement Committee with the staff report on the matter. However, staff did not realize that there would be such a long time gap between receipt of these letters and the Enforcement Committee Hearing on the matter. As such, these letters are now being distributed with the proposed settlement.

Sincerely,



ADRIENNE KLEIN
Chief of Enforcement

AK/go

Enc.



Jack London Improvement District
333 Broadway
Oakland, CA 94607

April 6, 2016

To: Bay Conservation and Development Commission
RE: Public Pavilion and BCDC Permit No. 1985.019B

We are aware that the Bay Conservation and Development Commission (BCDC) is examining the use and operation of the Public Pavilion at Jack London Square. We recognize that private use is an important and valuable component of encouraging activity at the waterfront. We'd like to offer the following comments from the perspective of the District—representing a variety of property owners, businesses, residents, workers, and visitors in the historic urban waterfront neighborhood encompassing the Jack London Square.

Jack London Square is becoming increasingly popular.

Today there are more public events and retail attractions at Jack London Square than ever before. The daily flow of strolling people recreating, exercise groups, cadet trainings, historic walking tours, and lunch crowds from the increasing employee and residential population is punctuated by hugely popular annual celebrations such as Oakland's Tree Lighting, the Eat Real Festival, Pedalfest, and more. At one point in time, Scott's events may have been a significant contributor to activity at the Square. Today a variety of Square tenants, local merchants, and community groups contribute. The Port and Property management at the Square deserves kudos for their lead role in programming and activating the space.

There is interest in expanding the utility of the Public Pavilion to diversify its positive economic and social benefit.

The ability to host an event at our spectacular, centrally located, transit-accessible waterfront is unique and clearly desirable to prospective event organizers and milestone-celebrators of all kinds. In addition, the numerous small-scale and local food businesses in the area have expressed strong interest in access to private use of the public pavilion. We have learned from inquiries received that the private use is not as accessible as it could be. The private use agreement is not widely understood and minimum consumption costs for Scott's events are cost-prohibitive to many. We believe that a venue available to anyone—to host an event and hire caterers, musicians, and event staff of their choosing—would draw a more diverse range of people to enjoy the waterfront and would spread the economic benefit to more local businesses. The District recommends that the 73 days allocated to private use by the agreement be made available to more people.

In summary, the District recognizes the Pavilion as a valuable public amenity. Private use is an important component of providing this value, and encourages increasing the diversity of gatherings and the accessibility of the Waterfront to more people.

We appreciate this opportunity to give feedback.

Sincerely,

Savlan Hauser
Executive Director
Jack London Improvement District

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, 4TH FLOOR, OAKLAND, CALIFORNIA 94612

Public Works Agency
Department of Engineering and Construction



(510) 238-3051
FAX (510) 238-6633
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September 22, 2015

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

R. Zachary Wasserman, Chairman
Larry Goldzband, Executive Director
San Francisco Bay Conservation & Development Commission
445 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

Dear Chair Wasserman & Mr. Goldzband,

On behalf of the City of Oakland, I am writing in support of the Cleaner Bay Foundation to remove litter from the Oakland Estuary shoreline. Litter left on private lots and City streets eventually washes into storm drains and creeks where it discharges directly into the Oakland Estuary and San Francisco Bay. Littered areas are a source of plastics and other pollution that degrade water quality and are harmful to marine wildlife.

The City of Oakland faces many challenges in managing the litter in our streets, waterways and the Estuary. While the City is implementing and exploring new programs to reduce trash from entering our waterways, we welcome any assistance to help us reduce trash in our waterways.

Finally, the City can provide tools and equipment through our Adopt-A-Spot to support to this effort and help advise on trash reduction methods. We support the San Francisco Bay Conservation and Development Commission accepting the Cleaner Bay Foundation as mitigation. Thank you.

Sincerely,

Lesley Estes, Program Manager
Measure DD and Stormwater Management

cc:

Chris McKay, Cleaner Bay Foundation
Mike Perlmutter, City of Oakland, Adopt-A-Spot Program



CALIFORNIA STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

ESQUIRE PLAZA, 1215 K STREET, SUITE 1609 • SACRAMENTO, CA 95814 • (916) 498-1898 • FAX (916) 498-1895

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Area Director Coastal

Freddye Davis
Area Director West

September 10, 2015

R. Zachary Wasserman, Chair
Wendel Rosen Black & Dean, LLP
1111 Broadway, 24th Floor
Oakland, CA 94607

Dear Commissioner,

It has come to our attention that the Bay Conservation and Development Commission (BCDC) have cited Scott's for overuse of the Pavilion, the event space connected to the restaurant.

For over 30 years Scott's has been very hospitable to the NAACP and our events. Limiting the days the Pavilion can be used will negatively impact the NAACP. We would greatly appreciate the commission taking our concerns into consideration as you work toward the resolution of these issues. BCDC is a powerful state organization and we know they mean well in their preservation of the Bay but we would also like them to consider the 156 employees of Scott's and the decades long history of memorable events held in the Pavilion, and the high level of community use afforded.

Sincerely,

Alice A. Huffman,
President

cc: Larry Goldzband
Executive Director
AAH:da



CITY OF OAKLAND

CITY HALL ■ 1 FRANK H. OGAWA PLAZA, 2nd Floor ■ OAKLAND, CALIFORNIA 94612

Office of the Honorable Lynette Gibson McElhaney
COUNCIL PRESIDENT~ DISTRICT 3

(510) 238 - 7031
FAX (510) 238 - 6910
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August 31, 2015

San Francisco Bay Conservation and Development Commission
455 Golden Gate Ave ~ Suite 10600
San Francisco, CA 94102

Re: Support for *A Cleaner Bay Foundation* in Jack London Square

Dear Chairman Wasserman,

It is my understanding that BCDC is planning to impose a large fine on a Scott's Seafood, which has operated as an Oakland small business since 1976.

Over the past 40 years, Scott's has been an institution, luring hundreds of thousands of guests to enjoy the Oakland waterfront. Their meals and events allow so many visitors to access our beautiful bay. Scott's regularly donates their space for non-profit fundraisers to support worthy causes. With Oakland's limited convention space and growing demand, Scott's promotes economic development while exposing thousands of people from the region to the Bay's beauty.

Scott's is transitioning to new management under Lisa Gallagher, who is seeking to improve practices of the restaurant, repair relations, and give back to the community in a more comprehensive manner. She is seeking a new start as she begins to operate more responsibly than the restaurant has done in the past.

I believe that the efforts of Scott's teaming up with *A Cleaner Bay Foundation* will make a major impact on reducing the debris and harmful waste that exit our storm drains, poison our waterway, and threaten the wildlife of the Bay. They have acquired a long list of partners to support this effort. Scott's is proposing, that in lieu of the fine, they would regularly remove litter and debris from the waterfront as mitigation for their violations. **I have asked *A Cleaner Bay Foundation* to more thoroughly explain their debris and algae removal plans, to set weekly targets, to track collection efforts using metrics, and to show how they will be held accountable for their efforts.**

Sincerely,

Lynette Gibson McElhaney
Council President
Oakland City Council



Subject: Waterfront Action Input re: Scott's Pavillion Permit Violations

Date: Monday, August 24, 2015 at 2:06:44 PM Pacific Daylight Time

From: Sandra Threlfall

To: Goldzband, Larry@BCDC

CC: Gomez, Grace@BCDC, Chris Mckay, Richard Sinkoff, Douglas Herman, Keith Miller, Klein, Adrienne@BCDC, Batha, Bob@BCDC

Please see the attached letter pertaining to BCDC permit violations at Scott's Pavillion.

Thank you for your attention on this issue.

Sincerely,
Sandra Threlfall



SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

P.O. BOX 11456
OAKLAND, CA 94611-0456

August 24, 2015

SF Bay Conservation and Development Commission
455 Golden Gate Avenue Suite 10600
San Francisco, CA 94102

sent via email

Dear Executive Director Goldzband and Commissioners:

Waterfront Action, Inc. has just received a copy of the attached August 17, 2015 letter from Scott's Seafood Restaurant to BCDC regarding mitigation for the Scott's Pavilion violations of permits. The document appears to have been authored by Chris McKay of *A Cleaner Bay Foundation* but is presented on Scott's Seafood Restaurant letterhead.

Waterfront Action cannot support mitigation as resolution of the multi-year permit violations at the Pavilion. Not only did Scotts continue to use the Pavilion for over two years, thereby generating income, the structure was in violation of both City of Oakland building codes and BCDC permits.

Instead of seeking mitigation, we encourage BCDC to require removal of the unpermitted structures and payment of all fines that have been levied.

Waterfront Action *is* in support of a separate organization developed with the mission of cleaning up the Estuary such as *A Cleaner Bay Foundation* but cannot support the funding of this organization as part of any settlement for Scotts' violations.

Please contact me if there are any questions regarding Scotts' Pavilion settlement at 510-332-0478.

Sincerely,

Sandra Threlfall
Executive Director

Cc: Chris McKay
Richard Sinkoff
Doug Hansen
Keith Miller
Adrienne Klein

Scott's Seafood Restaurant
#2 Broadway
Oakland, CA 94607



August 17, 2015

San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue Suite 10600
San Francisco, CA 94102

Re: Mitigation Plan for Scott's Restaurant and BCDC

Goals:

1. To improve the Jack London Square waterfront experience.
2. To resolve issues between the San Francisco Bay Conservation and Development Commission and Scott's Seafood Restaurant.

Objectives:

1. To enhance the waterfront experience by removing visible trash, on a regular schedule based on the tides, from the shoreline and waters along Jack London Square.
2. To draw more visitors to Jack London Square by providing a permanent multimedia exhibit based on Jack London, his life and his experiences on San Francisco Bay.
3. To provide an interactive learning center in the Pavilion for the thousands of schoolchildren who visit Jack London Square on field trips every year.
4. To form *A Cleaner Bay Foundation* as an independent, public benefit, not-for-profit corporation with a mission to "reduce trash in San Francisco Bay and its tributaries".
5. To allow the Bay Conservation and Development Commission to achieve a mitigation settlement that benefits residents and visitors to Oakland, Jack London Square, San Francisco Bay and Scott's Restaurant.

Strategies:

Our strategies are based on our goals of improving public access to the Jack London Square waterfront and reducing trash entering the Bay, while mutually ending a four year BCDC permit enforcement process that has cost many thousands of dollars to both Scott's Restaurant and taxpayers.

1. We will work with the City of Oakland, The Port of Oakland, Oakland Marinas and Jack London Square management to define areas of responsibility for the removal of trash from the water and shoreline. Currently there is no single identifiable party responsible for the removal of the trash in the water or along the shoreline. There is a drain pipe in the center of Jack London Square that connects to storm drains throughout downtown Oakland, an area described as being "Very High" or "High" in "trash generation" by the Oakland Public Works Department¹. The City of Oakland is required to achieve a 100%

reduction in "visible trash" by 2024 under the Municipal Regional Stormwater Permit². There are currently no trash capture devices installed in the area to fulfill that requirement. Of 29,265 acres under Oakland's jurisdiction 929 acres are in compliance. We will be responsible for approximately 1,900 feet of shoreline from The USS Potomac Museum to the East end of the Marina Lawn. This public access area includes over 60 public sitting sites as well as the very popular Water Stairs at the foot of Broadway and the shoreline walkway used by visitors disembarking from the ferry landing. Our objective, and the measurement of our success, will be to ensure that these areas are clear of all visible trash.

2. The Pavilion is an approximately 4500 square foot covered area attached to the east side of Scott's Restaurant which has been, since 1986, allocated for both public use (80% of the time) and private use (20% of the time). It is the focal point of the issues between BCDC and Scott's. Our objective is to enhance this area and improve public use by creating a state of the art, interactive, multimedia exhibit covering the life, writings and experiences of Jack London. The exhibit will be available to visitors to the area at no charge and will recede into the ceiling when not in use. We will make improvements to the Pavilion as it is currently configured and provide both an area for learning and as a public space for those looking to relax. There will be no reduction in the view corridor with the exception of signage identifying the location of the exhibit. A mutually agreed upon calendar will be developed allocating Scott's use for private events, school programs, Senior visits, community organization fundraisers and open public access. Jack London was a controversial world renowned author and a permanent exhibit showcasing the relevance and significance of his life and his work will be a valuable addition to a square named in his honor. Assistance in the development of the exhibit will come from a 25 year relationship with the Behring Family and the Smithsonian National Museum of American History³.
3. The Port and City of Oakland stated as an objective in the *2010 Jack London Square Redevelopment Project*⁴ "to create a sense of viability and excitement". We are offering an opportunity to add to that objective not only for visitors to the Square but for the thousands of school children that visit each year on field trips. The USS Potomac offers educational cruises for 1,600 East Bay school children per year and a history lesson on Franklin Roosevelt and his policies⁵. We will work with the Potomac and local schools to introduce students to the exciting life of Jack London and his writings as well as to his biracial upbringing and his commitment to social justice. Next year will be the centennial of his death in 1916 and an opportunity to bring this attention and "viability and excitement" to Jack London Square and honor Oakland's most well known author.
4. Over the past four months we have been evaluating mitigation options based on BCDC's Mitigation Policies⁶ for violations by Scott's Seafood Restaurant of BCDC's rules and regulations. Scott's admits that it has violated these rules and seeks a mitigation that will

have both an immediate and lasting impact on the Jack London Square waterfront, the Bay and its environment. BCDC's policies regarding mitigation state that it is the preferred avenue of resolution and that "enhancing an existing resource" as a desirable form of mitigation.⁶ The boaters in the marina and the businesses located on the waterfront had an immediate response of "pick up the trash" to our queries. Trash in the water and along the shoreline is a problem that will not go away. A lack of rain has reduced the amount flowing into Bay from the 10,000 storm drains in Oakland but that is (hopefully) expected to change. *A Cleaner Bay Foundation* will be proactive in this challenge with *one* mission and that is to reduce the amount of trash in the water and along the shoreline. Project *Ocean Cleanup*⁷ is taking on the challenge of reducing the *North Pacific Garbage Patch*, which is the size of Texas, and requests all of us to reduce the amount of trash entering the oceans. We will do our part.

5. On July 16, 2015 a staff report⁸ was presented at a BCDC meeting covering enforcement actions and the difficulty of a small BCDC Enforcement staff managing 180 pending actions, up from 150 in 2013. There was a discussion of the necessity in improving the mitigation process and the Chairman suggested possibly forming a "working group" to look for improvements. We applaud this candor and offer this mitigation plan as a immediately mutually beneficial resolution to a pending action. Our initial introduction of the concept of *A Cleaner Bay* did not receive encouragement or support from staff and we were directed to continue down the same trail of expensive design modifications that do little to improve the user experience of the public access. We felt we needed to take a creative "big picture" approach and do more. For this reason we have added the option of an interactive exhibit that brings an entirely new dimension to the public use of the space. The Commission has an opportunity to chose either option or a blend of the two as mitigation. A large company has many resources to litigate and prolong a BCDC action and only mitigate when necessary. Scott's Restaurant is not a large company. It is a small multi generational family owned business that has been in Jack London Square for 40 years. The threat of a fine in excess of one million dollars by a powerful state agency is demoralizing to the owners, the employees, long time purveyors and customers of Scott's. This plan has the support of the City, the Port, businesses and residents of Oakland and is an opportunity to do something positive for the Jack London Square waterfront and San Francisco Bay. It also allows the Commission to reduce, by one, the many challenges facing its organization and the Bay Area.

This plan is being shared with our advisory board members, supporters, and all interested parties for comments and suggestions and may be sent to Chris McKay at chris@acleanerbay.org.

References:

1. http://www.swrcb.ca.gov/water_issues/programs/stormwater/docs/phase1r2_2009_0074.pdf
2. http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/C10/2014/Alameda_County/Oakland_2-14_Trash_Long_Term.pdf
3. <http://www.mnh.si.edu/mammals/pages/about/>
4. http://www.waterfrontaction.org/plans/jls_july2010_status.pdf
5. <http://www.usspotomac.org/give/membership.php>
6. <http://www.bcdc.ca.gov/pdf/planning/reports/mitigation.pdf>
7. <http://www.theoceancleanup.com/>
8. <http://www.bcdc.ca.gov/cm/2015/0716RegulatoryLessonsLearned.pdf>



Bay Conservation and Development Commission
Zack Wasserman - Chairman
Larry Goldzband - Executive Director
455 Golden Gate Avenue
Suite 10600
San Francisco, CA 94102-7019

July 15, 2015

Dear Chairman Wasserman and Director Goldzband,

We have taken your advice and “went local” to determine the support for *A Cleaner Bay Foundation*. We have met with the Port of Oakland, the Oakland Mayor’s Office, Jack London Square Management, the San Francisco Estuary Partnership, Visit Oakland, the Department of Boating and Waterways, the Potomac Foundation and various businesses, like the Last Chance Saloon, Passages Nautical and Sun Country Marine. As well as harbormasters, boaters and local legislators. We’ve also met with representatives from organizations that have an interest in our waterways like the California Fish & Game Commission, the California Waterfowl Association, the Marina Recreation Association, Latitude 38 magazine and Sail America. The support is unanimous - this project needs to get done. Our funding is secured to get us started and we have commitments for additional funding to keep us going.

This is where I need your help. I have \$150,000 in funding from Scott’s Restaurant and the Hofmann Family Foundation, but I can’t spend that money until I know this is for full mitigation for Scott’s Restaurant and that we’ll put it to use in cleaning up the Bay. It has been a challenge to respond to the question “What is this mitigation for?”. When I explain it is primarily for fines and penalties regarding ongoing improvements to the Pavilion that were done prior to a permit being issued and for exceeding the number of days the Pavilion was permitted to be used it doesn’t fit with the \$1.5 million number that has been mentioned. Scott’s acknowledges this was poorly handled and has changed management to prevent this going forward and honestly hopes that funding *A Cleaner Bay Foundation* is a fair resolution.

Liz Gallagher, President of Scott's Restaurants, is also turning away business to keep use of the Pavilion under the permitted days, unfortunately many of these customers are part of the Oakland community who received generous support from Scott's in the past.

We have the passion, desire, skills and resources to do something about the trash along the Jack London Square shoreline that will not be done by anyone else. What we don't have is the patience and time. We have waited for months to get a violations report to even understand the allegations. At this pace *A Cleaner Bay* will be long gone before we actually pick up one piece of trash. Chris Lytle, Executive Director of the Port of Oakland clearly stated in an email,

"We like what you are doing to help clean up the estuary. This should help to show the BCDC that you are serious about doing something that will benefit the Bay. It should help to show BCDC as well as local partners that you guys are willing to put forward a sustained effort to be a good neighbor. Keep us posted on how we can assist."

Oakland Mayor Schaaf told us *"She couldn't see any reason she wouldn't support this"*.

I believe we could sit down with you, Chris Lytle, Mayor Schaaf and any staff you feel is necessary and work out an immediate solution that really benefits the Bay. We are going into our busiest part of the season and there is a big national media push by *Visit Oakland* to promote waterfront activities and access to the Bay from Oakland. After personally spending four years dealing with trash in the marina, with almost no rain, and the *National Oceanic and Atmospheric Administration (NOAA)* predicting an El Nino winter, I believe this calls for emergency action. We have no idea how much trash is in the 10,000 storm drains.

We have an opportunity to show how the Bay Conservation and Development Commission and Scott's Restaurant can move beyond the discord of the past and work cooperatively with *A Cleaner Bay Foundation* and its supporters in a mitigation settlement that brings a lasting improvement to the Jack London Square waterfront.

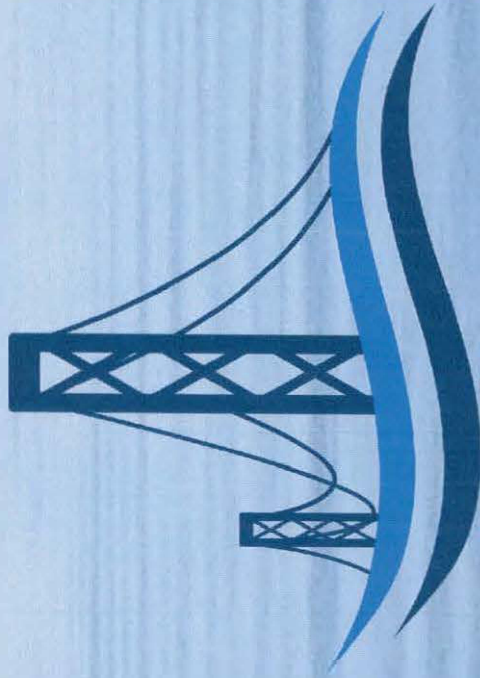
Sincerely,



Chris McKay
Executive Director
A Cleaner Bay Foundation
chris@acleanerbay.org
(831) 915-7885

CC:

Ken Hofmann - Hofmann Family Foundation
Jim Kellogg - Vice President, California Fish & Game Commission
John Carlson Jr. - President, California Waterfowl Association
Chris Lydle - Executive Director - Port of Oakland
Libby Schaaf - Mayor, Oakland, California
Lynette Gibson McElhaney - Councilmember District 3, Oakland, California
Barbara Lee - US Congress, 13th District
James Muller - Environmental Planner, San Francisco Estuary Partnership
John Arndt - Associate Publisher Latitude 38, Founder Summer Sailstice
Domini Maffei Schmid - CEO, USS Potomac Foundation
Mark Sanders - Owner, West Point Marina
Vivian Matuk - Division of Boating and Waterways, California Coastal Commission
Jorgen Bateman - Operations Manager, Sail America, Strictly Sail Pacific
Ed Bancroft - General Manager, Sun Country Marine
Carol Brookman - Owner, Heinold's Last Chance Saloon
Brock de Lappe - Harbor Master, Alameda Marina
Barry Demak - General Manager, Passage Nautical Enterprises
George Henderson - Professional Cheerleader, Boater, author
Patrick Welch - Owner, Triple Crown, Classic Yacht Association
Roger Ladwig - Harbor Master, Treasure Island Marina, South Beach Yacht Club
Craig Paulson - Harbor Master (retired) Martinez Marina, CHP Reserve Officer
Stephen Spoja - Corinthian Yacht Club, Business Owner
Vernon Suzuki - Owner, Transfer Case Express, Boater
Mary Swift - Owner, Afterguard Sailing Academy
Raymond Gallagher - Founder Scott's Restaurants
Harold Thompson - Board of Directors, A Cleaner Bay Foundation, Maintenance Supervisor, Oakland Marinas, Business Owner
Julie Oshiro - Board of Directors, A Cleaner Bay Foundation, Senior Relay for Life Manager, American Cancer Society
Elizabeth Gallagher - Board of Directors, A Cleaner Bay Foundation, President Scott's Restaurants



A Cleaner Bay

FOUNDATION

Contact: Chris McKay chris@acleanerbay.org 2 Broadway Oakland, CA 94607 (831) 915-7885
www.ACleanerBay.org



The Foundation - About

The concept of A Cleaner Bay Foundation came about when Chris McKay, Harbor Master of Oakland Marinas, including Jack London Square, received a package from the Bay Conservation and Development Commission (BCDC) in March of 2015. It was an announcement of a hearing regarding violations in the design and operation of the Pavilion located adjacent to Scott's Restaurant, and an invitation for the public to comment during the hearings. Mr. McKay was unable to attend the hearing but contacted Adrienne Klein, Enforcement Officer for BCDC, and left a message that he personally thought the Pavilion was an asset that brought people to the waterfront of Jack London Square whom might not have been familiar with the area. Ms. Klein kindly relayed the message for the Commission at the hearings.

Shortly after the hearing Liz Gallagher, Scott's Seafood President and the daughter of the founder of the restaurant, which was started in 1976, Raymond Gallagher, contacted Mr. McKay to thank him for commenting at the hearing. Mr. McKay and Mr. Gallagher had been friends since grammar school and had grown up together in Alameda, just across the Estuary. Mr. McKay mentioned that he was surprised this was still going on since he knew the Pavilion was built around 1986 and had recently seen an extensive addition of sliding doors. He suggested they propose to do something as a resolution to the dispute and get this behind them. Liz Gallagher stated she was now in charge and asked if he could be retained as a consultant to work with her in seeking a solution.



The Foundation - About, continued

The Bay Conservation and Development Commission was established in 1965 at the urging of the Save San Francisco Bay Association, now called Save the Bay, to stop the massive filling that was reducing the Bay by four square miles a year. Chris McKay was very aware of the importance of these two organizations when as a child he lived on Clinton Avenue in Alameda and watched the Bay disappear before his very eyes and turn into a shopping mall called South Shore.

The first step in seeking a satisfactory resolution to this ongoing dispute was to identify possible solutions. Mr. McKay reviewed the BCDC policies and procedure guidelines and understood mitigation was the preferred avenue of resolution. A needs assessment was initiated.

Interviews were done with businesses, boaters and visitors to Jack London Square to assess what type of mitigation would be most favorable. One thing that was consistently mentioned was the amount of trash that was always floating around in the water and along the shoreline. There was no identifiable agency responsible and it would move around based on the tides. With an increase in rain it was projected to get worse and determined that a daily clean up was required. The concept of forming of a not-for-profit foundation was the way to get it done.

Our Mission



We will have a cleaner San Francisco Bay by removing trash that accumulates in the water and along the shoreline of Jack London Square. We will do this every day.

There are 10,000 storm drains in Oakland that eventually flow into San Francisco Bay, the Oakland Estuary and Lake Merritt, carrying trash from the streets directly into the water. One of these drains is located in the center of a popular Oakland destination - Jack London Square. The Square offer concerts on a waterfront stage, a wide selection of waterfront restaurants, waterfront sports, such as kayak and Stand Up Paddleboard rentals and even the Waterfront Hotel. But on some days the waterfront is a mess. The worse trash imaginable can accumulate along the shoreline and in patches trapped by the docks and piers with no single entity responsible for picking it up. We will make it better by removing trash everyday - at the right time.

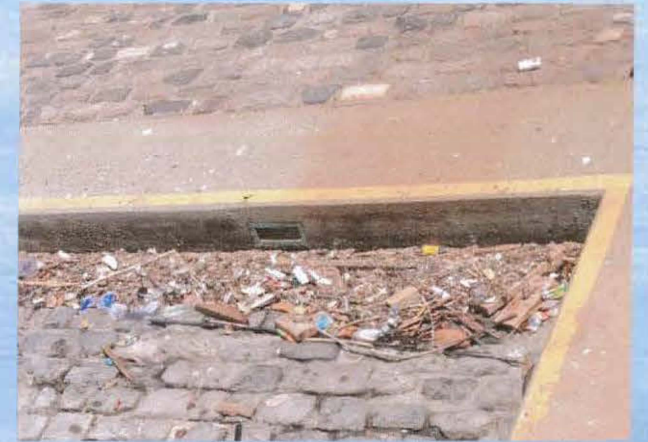
Events and recreation on the
Water Stairs and in the marina of
Jack London Square



The Water Stairs are located at the foot of Broadway between The Waterfront Hotel and Scott's Restaurant. It offers steps leading to the water, a performance stage, a public guest dock, a life size sculpture of Jack London and donated bricks and pavers from supporters of the Wolf Track History Trail.



Trash in the water and on the
Water Stairs - June 2015 and
July 13, 2015



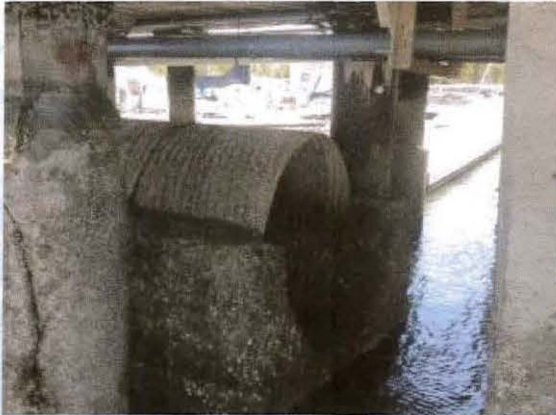
What we understand

- The removal of trash from the water and shoreline at Jack London Square is currently not the responsibility of any agency - public or private.
- Trash enters the water from storm drains located along the Estuary. One is located directly in the center of Jack London Square.
- Cutting and removing algae in Lake Merritt may now release some of this growth into the Estuary which can accumulate and trap trash.
- Due to the lack of rain a substantial amount of trash is remaining in the 10,000 storm drains located in Oakland. A period of heavy rain (which we hope happens) will dump this into the Estuary.
- Trash is the new landfill, inch by inch, if not removed it can accumulate on our shoreline and fill in the farthest reaches of the Bay.
- People are renting kayaks and Stand Up Paddleboards (SUP's) in Jack London Square and may end up in the water 100 feet from a storm drain. This should be a concern.

"This stuff just floats around. One day it's here, then it's gone, but it always comes back. It needs to be removed. It's disgusting."

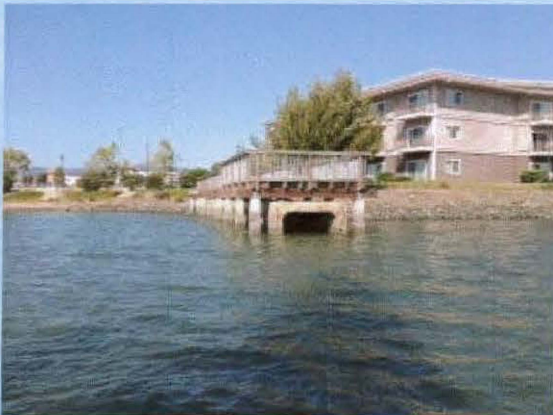
Patrick Welch - Owner of Triple Crown, a Classic Yacht located in Jack London Square

Unfiltered storm drain in the
Center of Jack London Square



These are three of the
large drains that flow into
Lake Merritt, the Estuary
and the Bay.

Storm drain at Executive Inn on
the Embarcadero



The City of Oakland has an
Adopt a Storm Drain
Program where dozens of
volunteers have dedicated
their time to clear drains
before a storm but the City
is understaffed for the
necessary maintenance
required.

Storm drain at 16th and
Embarcadero at Low Tide



Same storm drain as above
at High Tide



What we will do - daily



We will improve the visitor experience to the Jack London Square waterfront by making it cleaner, safer and more attractive.

Trash in the waterfront isn't complicated. It comes from various sources; the streets, storm drains, boats, vehicles and some of it floats into the Bay from the Pacific Ocean.

Removing trash is a a bit more complicated. It needs to be done consistently and at the right time - based on the tides. A Cleaner Bay Foundation, with initial funding provided by Scott's Seafood Restaurant and the Hofmann Family Foundation, will perform a daily cleanup of the Jack London Square waterfront, from the USS Potomac to Alice Street.

There are four basins in Jack London Square Marina; The West Basin, Scott's Basin, Kincaid's Basin and East Basin, as well as the ferry pier, the Potomac pier, the fuel dock pier, and the public docks at the foot of Broadway and in front of Scott's Restaurant and Pavilion. All of these docks and piers trap trash that enters the Bay and all of these areas will be cleaned.

2014 algae in marina



In February of 2013 the first phase of the Gateway to the Bay Plan was completed. For the first time in 140 years this \$27 Million project connected Lake Merritt to the Estuary.

Gateway to Bay Plan



2014 After clean up



In 2014 algae appeared in areas of Oakland Marina that had not been seen in the past. This may have been an unusual occurrence or a precursor to a future problem.

Gateway to Bay June 2015



About Bay trash



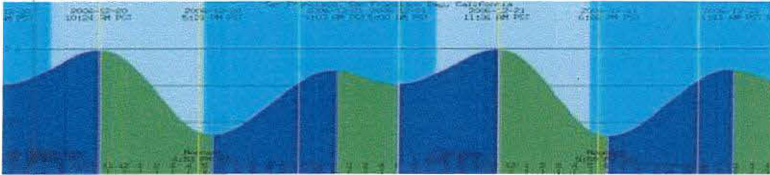
There are two old nautical and legal terms that have been used to describe something floating on the water; flotsam and jetsam. Flotsam, from a French word for float, was considered debris that was not deliberately thrown into the water, such as wreckage from a sunken ship. Jetsam, from the word jettison, is debris that was deliberately thrown into the water, say from a crew trying to save a sinking ship.

All trash is a problem but the trash that may be a more serious concern is the jetsam that comes out of the storm drains in Oakland, especially the one in the center of Jack London Square. It can include hypodermic needles, condoms and other dangerous waste. Unless removed early it will float around the Estuary and end up on the shoreline. It doesn't sink and doesn't biodegrade. It is a hazard.

Timing is important for the most efficient removal of trash from the water. Trash flows in and out based on the tides. During a high tide areas can look pristine due to trash being underwater or trapped in a remote location. A few hours later that same trash may have floated back in or appears on the shoreline as the water has receded. Our cleanups are based on the optimum time.

Process

Timing based on tide tables



Equipment



Removal using approved devices



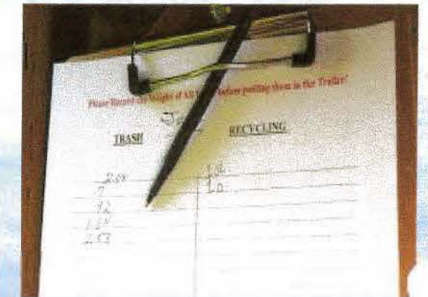
The Jack London Square area is prime for trash accumulation due to it being the first major obstacle to water flowing down the Estuary on an incoming tide and the last obstacle before the Bay on an outgoing tide. The prevailing winds also blow trash towards the Square where it becomes trapped in the piers and pilings.

We will record and report our collections to the International Coastal Cleanup database

Sorting



Tracking and Reporting



Disposal using Civicorps



Structure



A Cleaner Bay Foundation is registered with the California Secretary of State as a Public Benefit Not-for-Profit Corporation with a mission to reduce trash in San Francisco Bay and its tributaries. A filing is being submitted to the IRS for a 501 c (3) approval. We have received initial funding from Scott's Seafood Restaurant and the Hofmann Family Foundation to organize our business structure and begin operations.

After securing the required permits and approval of our processes by all involved parties we will begin in the Jack London Square area and expand our reach as we gain experience and efficiency in trash removal. Our initial focus is in one specific area but our overall objective is to work with organizations such as the Bay Conservation and Development Commission, Save the Bay, Bay and other groups that are committed to protecting our most valuable resource.

Our Future

We envision expanding our operations beyond Jack London Square and acquiring a boat specifically designed for waterfront trash removal. Trash in our Bay is something that will not go away and this is our only mission and will do our small part to help.

Resources

The Estuary Coalition

Formed as a grassroots informal organization by Brock De Lappe, Harbor Master of Alameda Marina, and Chris McKay, Harbor Master of Oakland Marinas, the Coalition brought together 62 leaders from various private and public entities in a series of lunches at the Jack London Aquatic Center.

Faced with a problem of abandoned boats along the Estuary the group heard the various restrictions each agency had with taking responsibility for the removal of these eyesores. No one organization, from the cities, to the county to the state, to the Fed's felt they were responsible or had authorization. After months of frustration, and at the end of a long meeting, a question was asked of a Marine Lt. Colonel about a visit from Michelle Obama to Coast Guard Island. "Yes, she was coming" he replied. "What is the security zone around the island?" was the next question. "1,000 feet", he replied. All of these abandoned boats were within that perimeter. With the help of Jim Gordon of the OPD Marine Division, the Alameda County Sheriff's Water Patrol, the Coast Guard, and Oakland Marinas, 10 boats were removed in two days and the Estuary remains mostly clear to this day. It is this type of cooperation, between private businesses and government agencies, that will solve problems and get things done.